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In re Application of: GAGNE, Marc
U.S. Application No.: 08/952,574
PCT No.: PCT/CA96/00297
International Filing Date: 10 May 1996
Priority Date: 10 May 1995
Atty Docket No.: 2283-1-001
For: GENETICALLY TREATED
ANIMALS

DECISION ON PETITION
(37 CFR 1.181)

This decision is issued in response to the "Petition To Establish Filing Date" filed 31 May 2002. No petition fee is required.

BACKGROUND

On 10 May 1996, applicant filed international application PCT/CA96/00297 which claimed a priority date of 10 May 1995 and which designated the United States. On 14 November 1996, a copy of the international application was communicated to the United States Patent & Trademark Office (USPTO) by the International Bureau (IB).

A Demand electing the United States was filed prior to the expiration of nineteen months from the priority date. Accordingly, the deadline for submission of the basic national fee was extended to thirty months from the priority date, i.e., 10 November 1997.

On 10 November 1997, applicant asserts that a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, an executed declaration and a check in payment of the basic national fee.

On 22 December 1997, applicant asserts that an Information Disclosure Statement (IDS), with references, and an Assignment document were filed.

On 17 June 2000, applicant asserts that a status inquiry was filed with respect to this application.

On 09 July 2001, applicant asserts that a second status inquiry was filed with respect to this application.

On 12 October 2001, applicant asserts that a third status inquiry was filed with respect to this application.

On 05 March 2002, applicant asserts that a fourth inquiry was filed with respect to this application.

On 31 May 2002, applicant filed the petition considered herein. Included with the petition are copies of all the materials previously filed by applicant in the present application, along with stamped return postcard receipts that itemized the filed materials and bear USPTO receipt stamps with the applicable receipt dates.

DISCUSSION

None of the original papers filed by applicant herein can be located in the USPTO, with the exception of the Assignment recorded 22 December 1997. The USPTO also has no record of any fees received herein, with the exception of the \$40 fee submitted with the Assignment.

However, based on applicants' statements in the present petition and the attached return postcards, it is concluded that the materials attached to the present petition were filed on the dates asserted. More specifically, the following filings are confirmed: (1) 10 November 1997: Form PTO-1390 Transmittal Letter, copy of application, executed declaration, small entity statement, international search report, and check for \$682;¹ (2) 22 December 1997: Assignment (with \$40 fee payment) and IDS (with references); (3) the four Status Inquiries, on the dates set forth above.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

The previous filing of the materials attached to the present petition is confirmed, as set forth above.

Deposit Account No. 11-1153 will be charged for the \$682 fees originally submitted by check on 10 November 1997.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 10 November 1997.



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¹ The postcard confirms the filing of the check for this amount; however, the USPTO has no record of having processed this check.. Deposit Account No. 11-1153 will therefore be charged for the required fees. If applicant has evidence that the check originally filed on 10 November 1997 was cashed by the USPTO, a refund request including such evidence should be promptly submitted.